

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

MICHAEL WESLEY RUSSELL,

Plaintiff,

v.

**CIVIL ACTION NO. 3:13-CV-99
(JUDGE GROH)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge James E. Seibert [Doc. 4], filed on September 9, 2013, to which neither party filed objections.¹ Pursuant to 28 U.S.C. §636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, failure to file objections to the magistrate judge’s proposed findings and recommendation permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties’ right to *de novo* review is waived. See **Webb v. Califano**, 468 F. Supp. 825 (E.D. Cal. 1979). The R&R specifically stated that objections were to be filed within fourteen days after being served with a copy of the R&R. Accordingly, because no objections have been filed, this R&R will be reviewed for clear error.

1

Pursuant to the magistrate judge’s R&R, as well as 28 U.S.C. §636(b)(1)(C) and FED. R. Civ. P. 6(d), objections were due fourteen plus three days after entry of the R&R, or by September 26, 2013.

In this matter, the magistrate judge found that on September 3, 2013, the Court received a document from Michael Wesley Russell that appeared to be a request for judicial review of an adverse decision of the Commissioner of Social Security, and the Court filed it as such. However, Michael Wesley Russell actually sent the document to the Clerk to indicate his disabilities in order to be excused from jury duty. Accordingly, the magistrate judge recommended that the action be dismissed.

Upon review of the above, it is the opinion of this Court that the Report and Recommendation [**Doc. 4**] should be, and is, hereby **ORDERED ADOPTED**. For the reasons more fully stated in the Report and Recommendation, this Court **ORDERS** that the action be **DISMISSED**. Accordingly, this Court further **ORDERS** that this matter be **STRICKEN** from the docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record and any *pro se* parties.

DATED: September 27, 2013


GINA M. GROH
UNITED STATES DISTRICT JUDGE